



PRESENT:

Mr. Russell J. Gulley, Chairman
Dr. William P. Brown, Vice Chairman
Mr. F. Wayne Bass
Mr. Sam R. Hassen
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

ALSO PRESENT:

Ms. Beverly F. Rogers, Assistant Director,
Zoning and Special Projects Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Ted Barclay, Supervisor Code Compliance,
Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Mr. Alan G. Coker, Senior Planner,
Development Review Section, Planning Department
Ms. Karen Crenshaw, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Jeff Dopp, Senior Planner,
Development Review Section, Planning Department
Mr. Joseph E. Feest, Planning Administrator,
Development Review Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner,
Development Review Section, Planning Department
Ms. Pamela Nichols, Clerk to the Commission,
Zoning and Special Projects Section, Planning Department

Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Mr. Ryan Ramsey, Senior Planner,
Development Review Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Planning Department
Ms. Amy Somervell, Senior Planner,
Development Review Section, Planning Department
Mr. Steven Adams, Senior Civil Engineer
Transportation Department
Mr. Roy Covington, Director
Utilities Department
Ms. Carol Judkins, Budget and Management Analyst,
Budget and Management Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Lieutenant Frank Nause, Fire and
Emergency Services, Fire Department
Mr. Stan Newcomb, Principal Engineer,
Transportation Department
Mr. Randy Phelps, Principal Engineer,
Utilities Department
Mr. Doug Pritchard, Engineering Supervisor,
Environmental Engineering
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Mr. Dave Wolverton, Microcomputer Analyst,
Information Systems Technology Department
Mr. Bill Wright, Assistant Director – Engineer
Utilities Department

ANNUAL MEETING AND WORK SESSION.

Messrs. Gulley, Bass, Brown, Hassen, Waller and staff assembled at 12:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session.

I. ELECTION OF OFFICERS FOR 2009

- **CHAIRMAN**

Mr. Gulley stated the first order of business would be the election of officers for the positions of Chairman and Vice Chairman to the Planning Commission for 2009.

Nominations of the office of Chairman to the Planning Commission for 2009 were opened.

Mr. Bass nominated Mr. Russell J. Gulley to serve as Chairman of the Planning Commission.

There were no other nominations; therefore, it was on motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to close the nominations for the office of Chairman of the Planning Commission.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to elect Mr. Russell J. Gulley to serve as Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

At this time, Mr. Gulley assumed the Chairmanship.

- **VICE - CHAIRMAN**

Mr. Gulley opened the nominations for the office of Vice Chairman to the Planning Commission for 2009.

Mr. Bass nominated Dr. William Brown to serve as Vice Chairman of the Planning Commission.

There were no other nominations; therefore, it was on motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to close the nominations for the office of Vice Chairman of the Planning Commission.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to elect Dr. William Brown to serve as the Vice Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

At this time, Dr. Brown assumed the Vice Chairmanship.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission that staff requested amendment to the agenda to include adding a new Item VIII, Proposed Code Amendment for Fee Adjustments and reordered the agenda as follows:

I. Election of Officers for 2009

- Chairman

- Vice-Chairman
- II. Requests to **Postpone Action, Emergency Additions, Changes** in the **Order of Presentation**.
- III. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.
- IV. Review **Day's Agenda** (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- V. **Work Program – Review and Update.**
- VI. **Consideration for Rescheduling June 23, 2009 Meeting.**
- VII. **Proposed Code Amendment to Exclude Roomers from Definition of Family.**
- VIII. **Proposed Code Amendment for Fee Adjustments.**
- IX. **Recess.**

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to amend the agenda.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

III. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of February, March and April 2009.

IV. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

Mr. Turner presented an overview of, and staff's recommendation for Code Amendments to Increase the Penalty and Shorten the Appeal Period for Violations Relating to the Number of Unrelated Persons in Single-family Dwellings and Maintained Roads and Building Permits to be considered at the 6:30 p.m. Public Meeting and Hearing.

V. WORK PROGRAM. WORK PROGRAM

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the January 2009 Work Program as presented.

Mr. Dick McElfish responded to questions relative to the Swift Creek Reservoir Watershed Master Plan.

In response to a question from Mr. Bass, Mr. Joe Feest stated that staff was preparing a presentation relative to Alternative Residential Energy for the February work session.

Mr. Gulley directed staff to research the use of wind turbines in other localities.

Ms. Tara McGee advised the Commission that the County Attorney's Office would explore the regulations governing alternative energy.

VI. CONSIDERATION FOR RESCHEDULING JUNE 23, 2009 MEETING.

MEMO-TO-CPC-RESCHEDULE-JUNE-23RD-MEETING

Mr. Gulley apprised the Commission of a scheduling conflict for the June 23, 2009 meeting and asked the Commission to consider rescheduling the meeting for Monday, June 22, 2009.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to reschedule their June 23, 2009 meeting date to Monday, June 22, 2009.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission rescheduled the public hearing for the Proposed Code Amendment Relative to Mass Grading to Monday, June 22, 2009.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

VII. PROPOSED CODE AMENDMENT TO EXCLUDE ROOMERS FROM DEFINITION OF FAMILY.

ORDINANCE-AMENDMENT-RELATING-TO-THE-DEFINITION-OF-FAMILY

Mr. Barclay presented a brief background on the request for the Proposed Code Amendment noting that Mr. Warren requested the Planning Commission to prepare this amendment to the Zoning Ordinance to delete "roomers" from the definition of family and thereby prohibit roomers in single-family dwellings.

Mr. Hassen expressed concerns relative to restricting property owners rights, and recommended exploration of alternative ways to eradicate parking, noise and traffic problems that may be associated with roomers. He also noted that many empty-nesters rent out rooms to college students.

Mr. Gulley voiced concern that the definition of a single family continues to be diluted.

The Commission agreed to continue discussion of the proposed code amendment at the February 17, 2009, work session.

VIII. PROPOSED CODE AMENDMENT FOR FEE ADJUSTMENTS.

Mr. Turner apprised the Commission that the Board of Supervisors asked the Commission to consider reduction of fees for Conditional Uses. The Commission directed staff to research this and make a presentation at the February work session. Mr. Gulley asked staff to identify fees by category. Dr. Brown requested that lowering fees specifically for qualified charitable organizations be considered.

IX. RECESS.

There being no further business, the Commission recessed at 1:27p.m., agreeing to reconvene in the Community Development Multipurpose Room for the Afternoon Session.

3:00 p. m. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION

There were no changes to the agenda

II. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

III APPROVAL OF THE PLANNING COMMISSION MINUTES:

- DECEMBER 16, 2008, PLANNING COMMISSION MINUTES.
 📄 12-16-08-CPC-MINUTES-DRAFT

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to approve the December 16, 2008 Planning Commission Minutes.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- AMENDMENT OF PLANNING COMMISSION MINUTES:
 📄 MEMORANDUM-FOR-CORRECTION-TO-MINUTES

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to approve the amendments to the November 18, 2008 Minutes.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

IV. CONSIDERATION OF THE FOLLOWING REQUESTS:

- DEFERRAL REQUESTS BY APPLICANTS.

- D. **08TS0264:** In Bermuda Magisterial District, **WILTON DEVELOPMENT CORPORATION** requested deferral of consideration for Tentative Subdivision Approval for Centralia Station in Residential (R-7, R-9, R-12) Districts on 83.3 acres fronting approximately 680 feet on the south line of Centralia Road approximately 500 feet west of Chester Road. Tax IDs 785-663-7560 And 9781; Part of 786-660-5178; and 786-663-1052 and 2179.

Mr. John Easter, the applicant's representative, requested deferral of Case 08TS0264 to the April 21, 2009, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 08TS0264 to the April 21, 2009 Planning Commission meeting.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- A. **09PR0178:** In Midlothian Magisterial District, **BOND COMPANIES** requested deferral of consideration for approval of a site plan for **SPRING ROCK GREEN ROADWAY IMPROVMENTS** in Residential (R-7) and Community Business (C-3) Districts on 1.5 acres that includes Boulder Springs Road and extends southeast for approximately 500 feet into Spring Rock Green. Tax IDs 762-710-Part of 5791; 763-709-Part of 7118; and 764-708-Part of 6312. 09PR0178-STAFF ANALYSIS

Mr. John Easter, the applicant's representative, requested deferral of Case 09PR0178 to the March 17, 2009 Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to defer Case 09PR0178 to the March 17, 2009 Planning Commission meeting.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER.**

- B. **09PW0225:** In Midlothian Magisterial District, **NEW JOURNEY CHURCH** requested modification to development standard for exception to parking lot standards for New Journey Church in an Agricultural (A) District on 7.4 acres fronting approximately 296 feet along the east line of County Line Road approximately 90 feet north of West County Line Road. Tax ID 705-706-4923.

Mr. Daryl Boggs, the applicant's representative, accepted deferral of Case 09PR0178 by Mr. Waller to the March 17, 2009 Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 09PR0178 to the March 17, 2009, Planning Commission meeting.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- **CASES WHERE THE APPLICANTS ACCEPT STAFF'S RECOMMENDATION AND**

THERE WAS NOT OPPOSITION PRESENT.

- E. **08PR0423:** In Midlothian Magisterial District, **JAMES DORAN COMPANY** requests site plan approval for Midlothian Towne Center Apartments in a Community Business (C-3) District on 8.1 acres fronting approximately 770 feet on the west line of Winterfield Road approximately 550 feet north of Midlothian Turnpike. Tax ID 725-709-5083.

Mr. John Easter, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

Mr. Peppy Jones spoke in favor of the request.

There being no one else to speak, Mr. Gulley closed the floor for public comments.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to approve Case 08PR0423 subject to the following conditions and review comments:

CONDITIONS:

1. The exhibit Midlothian Town Center Phasing Exhibit, along with the document titled Midlothian Town Center – Midlothian Turnpike Road Improvements Phasing Plan, both prepared by AES Consulting Engineers and dated January 15, 2009, shall be the approved road improvement phasing plan for the development. (CTD)
2. A land disturbance permit shall not be released for this project until site plans have been revised and resubmitted in accordance with the revised layout plan prepared by Edward H. Winks James D. Snowa Architects P.C., dated December 9, 2008, and all current (attached) and forthcoming County and State Review Comments have been satisfied. (P)
3. With the exception of mechanical equipment screening, building elevations shall be in accordance with the elevations prepared by Edward H. Winks James D. Snowa Architects P.C., dated December 9, 2008. (P)

REVIEW COMMENTS

Note: The following review comments are based on the latest set of site plans dated and received on September 3, 2008.

1. Hydrants shall be 40' from buildings and parking deck. (F)
2. A meeting is suggested to discuss relocating hydrants and possibly adding a hydrant. (F)
3. A license agreement will be required for the retaining walls crossing the sanitary sewer line. Contact Joan Clay at 748-1362 to begin the process. (U)

4. Show the storm pipe (2-5)-(k) on the waterline profile. (U)
5. The FIR-1A for buildings 5 and 6 are shown under the HVAC units. This is not allowed. The FIR-1A needs to be at least 6' from the HVAC units. (U)
6. Show the easement for the double check assembly stopping at the face of the vault which, in this case, is the north side of the vault. (U)
7. The gate valve west of the 8x8 tee in front of building 6 is not required. (U)
8. Label the sewer in the material's list as "private". (U)
9. It is the responsibility of the applicant to comply with and / or acquire all applicable federal and / or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (Virginia Stormwater Management Permit e.g. VSMP permit for construction sites, ground water and air quality)". Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
10. Provide vehicular safety measures for the retaining wall between building 7 and building 8. (EE)
11. Specify the finished floor elevation of the parking deck on the grading plan sheet C8. (EE)
12. Specify the ten year depth for the concrete ditch behind the parking deck for each change in slope on the profile on sheet c14. (EE)
13. The stormwater / B.M.P. facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)
14. Prior to issuance of a land disturbance permit, a diskette/cd, the format of which shall be autocad.dwg or dxf, must be submitted to Carole Cliborne of environmental engineering. The diskette/cd must contain the following, each in a separate layer:
 - a. Final grading contour lines (5' intervals);
 - b. Proposed building footprint;
 - c. All impervious area (parking lots, driveways, roads, etc); and
 - d. The storm sewer system.
 - e. A layer report printed from AutoCAD must be submitted with the diskette/cd. Both the diskette/cd and the report must be labeled with the site plan name, site plan number, and the engineering firm. All AutoCAD files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)
15. A land disturbance permit is required for this project and the following are required prior to its issuance:

- a. Substantial or full site plan approval
 - b. A letter must be received from a qualified wetlands expert stating:
 - i. There are no wetlands impacted on this project, or
 - ii. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted) (EE)
16. Copies of the Virginia Stormwater Management Permit (VSMP) registration statement and permit fee form (as developed by the Department Of Conservation And Recreation) must be submitted. (EE)
 17. Streets need to be named two names required. (GIS/HN)
 18. Street names must be approved through Richmond Regional Planning District Commission street name clearinghouse and/or Crater Planning District Commission street name clearing house with verification submitted to David Valleau, address technician, Environmental Engineering prior to substantial approval. (GIS/HN)
 19. Location of street address sign is not shown. (The address can be part of your monument sign. This does not count as part of the square footage of the sign. If you are using the monument sign for the address, a detail of the monument sign needs to be on the site plan.) (GIS/HN)
 20. If the site is on a through or corner lot and the street address sign will be visible from more than one road, the street name should be included in the sign. (GIS/HN)
 21. Specify the material that the address sign is to be made of. (Material to be more durable than wood) (GIS/HN)
 22. A foot print floor plan must be submitted to house numbering prior to substantial approval so that addresses can be assigned. If you have any questions contact David Valleau at 748-1039 (GIS/HN)
 23. A street sign fee of \$150.00 per intersection (2 intersections) needs to be paid to Environmental Engineering prior to substantial approval so that addresses can be assigned. (GIS/HN)
 24. Prior to occupancy of more than 50 units, access to a second public road must be provided per Sec. 19-111:

Sec. 19-111. Required conditions.

(h) *Roads*. A second road access (public or private) shall be designed and constructed to a public road prior to occupancy of more than 50 units. Additional accesses may be required, at the time of site plan approval, where more than 200 units are constructed. As used herein, the term "access roads" shall be those roads which connect residential clusters to public roads. Access roads shall have a minimum pavement width of 30 feet. All other private streets and driveways shall have a minimum pavement width of 24 feet.

Provide note on the plan stating requirements of Sec.19-111:

"A second road access (public or private) shall be designed and constructed to a public road prior to occupancy of more than 50 units. A third road access (public or private) shall be designed and constructed to a public road prior to occupancy of more than 200 units." (P)

25. Provide plan layout of parking deck, demonstrating that the number of required parking spaces can be provided within the proposed area. Include ramp location(s) elevations, drainage structures and structural support locations. (P)
26. Provide density note on the plan:
"A maximum of residential density of twenty- seven (27) units per acre is permitted per Case 03SN0316 textual statement 8. (Exception to Sec. 19-159 (j) (2) (c))
246 proposed units requires 9.1 gross acres
Parcel acreage = 8.12 acres
Winterfield Road right of way dedicated = 1.125 acres
Gross acreage = 8.12+1.125 = 9.245 gross acres" (P)
27. As previously requested, shared access roads require cross-access easement agreements. Provide deed book and page number of recorded easement for verification. (C.L. D1.) (P)
28. Provide details of HVAC unit screening along Winterfield Road and from pedestrian streetscape areas. Avoid placing HVAC units along or adjacent to pedestrian streetscape areas. (P)
29. As previously requested, provide conceptual elevations of the parking deck demonstrating compliance with architectural standards of Exhibit A. per condition 2 and proffered conditions 15 and 16. (P)
30. As previously noted, compliance with the retaining wall ordinance section Sec. 19-570.1 is required:
 - Specify wall material and color per section 19-570.1 (a)
 - Specify landscaping per section 19-570.1 (b)
 - Specify and provide details of pedestrian and vehicular guard rails in accordance with 19-570.1 (e)
 - Provide elevation detail of the pedestrian safety fence called out as "aluminum fence with vertical pickets." (P)
31. Provide note stating that penetrations of any geo-synthetic reinforcement shall be coordinated and approved by the wall engineer and the contractor. The structural wall drawings shall specify method of installing penetrations in the geo-grid to accommodate footings for the vehicle safety bollards, pedestrian safety fence, landscape plantings, irrigation, light poles etc.

Note: If built conditions differ from the proposed site plan, safety rails may be required at time of occupancy. In cases where the code does not require

safety rails, it is the responsibility of the owner and consultants to assess potential liabilities with all grade changes and take appropriate action. (P)

32. Sidewalks: Label walk material and provide details. If located outside of the right of way, walks shall be constructed of decorative materials. There also shall be an internal system of sidewalks and crosswalks in the development constructed of decorative materials. (Case 03SN0316 proffered condition 21.)

Condition 21. Sidewalks. Sidewalks, and crosswalks where necessary, shall be constructed along the west side of Winterfield Road and north side of Midlothian Turnpike for the entire length of the subject properties adjacent to such roads. If located within the VDOT right of way, the sidewalks and crosswalks shall be constructed to required VDOT standards and materials. Sidewalks shall be a minimum of five (5) feet in width and, if located outside of the right of way, constructed of decorative materials. There also shall be an internal system of sidewalks and crosswalks in the development constructed of decorative materials. (Reference Exhibit A, Page 2.3.1)

Clarification: indicate specific walk material from list of sidewalk materials indicated in Exhibit A., pages 1.2.1, 2.1, and 2.3.1. A change in walk materials can distinguish between retail and residential areas. (P)

33. As previously requested , indicate and provide details of streetscape and pedestrian amenities along the south elevation of building 8 and along the north-south running walk across from the pond: street trees; details of tree wells; decorative paving materials and crosswalks, benches, lights, fencing around pool and other appropriate amenities in accordance with proffered condition 16 and Exhibit A. (P)
34. As previously requested, revise layout to provide sufficient space (15' minimum) between the building and right of way for the required street trees, or provide documentation from VDOT permitting planting of street trees within the right of way. Although the setback exception was granted, condition 21 requires street trees along Winterfield Road. Unless documentation is provided from VDOT permitting the trees within the right-of-way, space within the site adjacent to Winterfield Road must be provided for the street trees. Provide VDOT documentation prior to site plan approval. (P)
35. As previously requested, a landscape plan must be submitted for site plan approval that addresses the requirements of Sec. 19-517 (a) & (b), including conditions of zoning) (P)
36. As previously requested, indicate proposed site area lighting on the landscape plan. Proposed landscaping and lighting locations shall be coordinated to prevent plant material at mature sizes from interfering with light fixtures. (Ref Sec. 19-517 (b)) (P)
37. As previously requested provide lighting plans and fixture details in compliance with Case 03SN0316 proffered condition 22:

Condition 22. Lighting. Along the perimeter of the development adjacent to Winterfield Road and Midlothian Turnpike, pedestrian scale light fixtures shall be installed with a design consistent with the Midlothian village guidelines and spaced as may be approved at time of site plan review. The project shall also have an internal system of outdoor lighting, consistent with the pedestrian scale of the development, except as may be approved at time of site plan review. (Case 03SN0316 proffered condition 22. Also reference Exhibit A page 2.3.) (P)

38. As previously noted, all landscaped areas shall be provided with a readily available water supply. Water supply can be through an irrigation system or with hose bibs. All plants are to be within 100 feet of a hose bib (Sec. 19-518). Ensure water information is supplied on utility department meter sizing forms. Reference Sec. 19-518 (e) for other watering alternatives. Method of irrigation must be provided for review and approval prior to release of the building permit. (P)
39. Note: Prior to receiving a temporary occupancy permit, a form of surety (bond or letter of credit) in an amount equal to the cost of completing the required landscaping shall be provided to the planning department. A separate surety shall also cover an amount equal to fifty (50) percent of the total installation cost for replacement of all unhealthy or dead plants or pollarded trees identified by the one-year inspection by planning department. Reference Sec. 19-518 (f). (P)
40. Prior to the certificate of occupancy for more than one hundred (100) dwelling units, a clubhouse shall be constructed that shall contain a minimum of five thousand (5,000) gross square feet. Provided further, any sales office within the clubhouse shall not exceed twenty-five (25) percent of the clubhouse's gross square footage. (Case 03SN0316 proffered condition 20 and Exhibit A - Design Guidelines) (P)
41. As requested in previous comment 2, dated July 10, 2008, please clearly label the existing right-of-way on all plan sheets. (VDOT)
42. As mentioned in previous comment 4, dated July 10, 2008, the concept of a retaining wall to support the roadway embankment is not acceptable to VDOT. The design, as currently shown in the vicinity of the round about, is still not acceptable to VDOT. Please provide grading, and assure that the roadway prism is self supporting. See also comment 7. (VDOT)
43. As requested in previous comment 6, dated July 10, 2008, please provide MS-19 type drainage system calculations for 10 year storm frequency to the ultimate outfall, for all drainage systems involving the right-of-way for Route 714, including hydraulic grade line, culvert, spread, and ditch and structure details, and demonstrate the adequacy of the existing system to handle your increased run-off. See the VDOT Drainage Manual, Chapter 6, Table 6-1.
44. Please provide a copy of the calcs and the site plan number under which this drainage was supposedly approved. Site plans are to be "stand alone". (VDOT)
45. As requested in previous comment 7, dated July 10, 2008, please provide flow

arrows for all existing and proposed drainage structures involving the right-of-way. (VDOT)

46. In relation to previous comment 8b, dated July 10, 2008, regarding storm drain pipe within the right-of-way:
47. Please ensure that acceptable connectors are provided for all of the HDPE connections to drainage structures within the right-of-way. (VDOT)
48. As requested in previous comment 11, dated July 10, 2008, please show any necessary storm drain easements for the proposed storm drains. Please provide public drainage maintenance easements for storm drains shown on sheet C9 crossing right-of way to existing structures 5, 9, 11, and 13. No proposed drainage easements were found on sheet C17 either. (VDOT)
49. As mentioned in previous comment 12, dated July 10, 2008, please revise the drainage on the southeast corner of the project away from the roadway prism to avoid soil saturation. It appears that, in the event of a major storm, or clogging, the wall may detain up to about 3 feet of water before exiting back toward the parking lot. (VDOT)
50. In relation to previous comment 13, dated July 10, 2008, abandonment of pipes within right-of-way requires standard backfill with flowable fill, as apparently proposed on sheet C7 along Route 714. Please note this on the plans. (VDOT)
51. In relation to previous comment 15, dated July 10, 2008, to please clarify the extent of the existing sidewalk demolition, what is proposed for replacement, and provide appropriate Work Area Protection for the work:
52. The grading plans on sheet C8 still indicate apparent regrading of portions of the sidewalk within right-of-way. Please check, and correct. (VDOT)
53. As requested in previous comment 16, dated July 10, 2008, please ensure that any sidewalk for state maintenance is either completely within or completely outside of right-of-way. The sidewalk is not to meander in and out of right-of-way. See vicinity of roundabout, including CG-12. (VDOT)
54. As mentioned in previous comment 19, dated July 10, 2008, all construction activities within VDOT maintained right-of-way shall be in accordance with the 2005 Virginia Work Area Protection Manual. Failure to provide safe working conditions for the workers and the traveling public may cause revocation of the Land Use Permit. (VDOT)
55. Upon further project development, VDOT may have additional comments. (VDOT)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

F. **09TS0135**: In Midlothian Magisterial District, **2421 W. D., LLC** requests Tentative Subdivision Approval for

Bon Air Walk in a Residential (R-15) District on 5.1 acres located at the northwest corner of Sunview Lane and Buford Road. Tax IDs 756-712-8658 and 757-712-0544. 09TS0135-STAFF ANALYSIS

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

Messrs. Tony Gentry and Tom Larson spoke in favor of the request.

There being no one else to speak, Mr. Gulley closed the floor for public comments.

Ms. McGee apprised the Commission that the approval of the request included options for two (2) plans which would be decided upon before the phasing begins.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to approve Case 09TS0135 subject to the following conditions and review notes:

CONDITIONS

1. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
2. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
3. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
4. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
5. Unless otherwise approved by the Environmental Engineering Department, houses will be placed as shown on the approved tentative plat. (EE)
6. If permitted by the Corps of Engineers and the DEQ, the existing areas of stream degradation, which presently exists in the waters of the U.S. just above its convergence with the wetlands area and just below the culvert under Buford Road will be repaired/armored with rip rap or other means suitable to all regulatory agencies. (EE)
7. Prior to recordation or conveyance of property to others, a reduced imperviousness BMP easement shall have been recorded over the portion of the subdivision as shown on the approved tentative plat. The deed book and page number shall be shown on the subdivision record plat. (EE)

8. There shall be a minimum distance of 25' between the house and the reduced imperviousness BMP easement. (EE)
9. Thirty five feet of right of way, measured from the centerline of Buford Road, shall be dedicated to and for the benefit of Chesterfield County, free and unrestricted, along the entire property frontage in conjunction with recordation of the first section of this tentative. (T)
10. The property frontage along the west side of Buford Road shall be cleared to provide adequate site distance from Sunview Lane to the north and additional grading shall be performed to extend the existing shoulder along Buford Road to a five (5) foot shoulder from Sunview Lane to the southern entrance for Lot 2 as determined by Transportation. All required clearing and grading shall be completed to the satisfaction of Transportation prior to issuance of any building permits for any new structures on any lots shown on this tentative. (T)
11. The driveway entrance for Lot 1, which is located near Sunview Lane, shall be removed in conjunction with clearing for sight distance on Buford Road. (T)
12. The twenty-five (25) foot buffer along Buford Road shall be planted in accordance with Section 17-70 of the Subdivision Ordinance. In conjunction with the submittal of the final check plats, the subdivider shall flag all buffers for inspection by the planning department. If insufficient vegetation remains, the subdivider shall submit a landscape plan to the director of planning to ensure compliance with this condition. If conditions on site are not conducive to plant survival, the subdivider shall provide surety to the county in the amount required to implement the plan. An estimate from a landscape contractor shall serve as the basis for the surety amount. (P)
13. An access easement shall be recorded across proposed Lot 4 to give proposed Lot 3 the legal right to gain entry to their property. (P)
14. There shall be only one (1) driveway connection onto Buford Road for proposed Lot 1. This driveway shall be generally located towards the northern property and shall extend generally perpendicular through the required buffer along Buford Road. The driveway shall cross the buffer as to have the least impact on the buffer. (P)
15. If Option 2 is the chosen path of development, the resubdivision for existing Lot 9, Block F, Section 1 of Weston Subdivision, Lots 1 and 2, Section 1 of Franklin Forest and Bon Air Walk shall be reviewed simultaneously. (P)

NOTES:

- A. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the

tentative water and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the County, which ultimately benefits the Department's customers as users of the public water/sewer systems. (U)

- B. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- C. Compliance with Section 17-76 of the Subdivision Ordinance shall be maintained at all times. (F)
- D. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- E. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
- F. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- G. Any requirements of the subdivision ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
- H. The design of any/all proposed landscape embellishments (ie, landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- I. The design of private entrance access shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- J. Adequacy of the ultimate outfall from proposed development shall be successfully demonstrated in the construction plans for the proposed subdivision, and all associated work shall be developer's responsibility. (VDOT)

- K. Location and description of all construction elements of the roadways as shown are preliminary and should be so noted. Actual design and construction of roadway elements shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- C. **09PS0238**: In Clover Hill Magisterial District, **SPORTSQUEST** requests approval of a Schematic Plan for Sportsquest Campus in Neighborhood Business (C-2) and Light Industrial (I-1) Districts on 50 acres fronting on the north line of Tredegar Lake Parkway across from Waterford Lake Drive. Tax IDs 729-691-8579; 729-692-8021; 730-690-Part of 2597; and 731-691-Part of 3885. **09PS0238-STAFF ANALYSIS**

Dr. Steve Burton, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

Ms. Andrea Epps and Mr. Mark Sowers spoke in favor of the request and noted concerns relative to transportation and connectivity to the adjacent property.

There being no one else to speak, Mr. Gulley closed the floor for public comments.

Mr. Steve Adams responded to questions from the Commission relative to ingress and egress; and connectivity between adjacent property owners.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to approve Case 09PS0238.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

VI. **RECESS.**

There being no further business to discuss; the Commission recessed the Afternoon Session at approximately 3:26 p.m., agreeing to meet in the Executive Meeting Room for dinner and to reconvene in the Public Meeting Room at 6:30 p.m. for the public meeting.

During dinner, there was general discussion regarding pending cases.

6:30 P. M. PUBLIC MEETING AND HEARING.

I. **INVOCATION.**

Mr. Gulley presented the invocation.

II. **PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.**

Ms. Rogers led the Pledge of Allegiance to the Flag.

III. **REVIEW UPCOMING AGENDAS.**

Mr. Kirk Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

V. **REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures.

VI. **CITIZEN COMMENT ON UNSCHEDULED MATTERS.**

There were no citizen comments at this time.

VII. **PUBLIC HEARING.**

- **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

- H. **09SN0144:** In Matoaca Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested Conditional Use and amendment of zoning district map to permit a business (special events) incidental to a dwelling unit on 22.6 acres known as 16216 Genito Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The comprehensive plan suggests the property is appropriate for residential use of 2.0 units per acre or less. Tax ID 711-688-7172.

09SN0144-STAFF ANALYSIS

Mr. Kirk Turner, the applicant's representative, accepted deferral of Case 09SN0144 by Mr. Bass to the March 17, 2009 Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission, on their own motion, resolved to defer Case 09SN0144 to the March 17, 2009 Planning Commission public hearing.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- **CASES WHERE THE APPLICANTS ACCEPT THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.**

- C. **09SN0120:** In Matoaca Magisterial District, **DUVAL DEVELOPMENT** requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) on 2.9 acres fronting approximately 150 feet on the west line of Rowlett Road approximately 410 feet north of Baretta Lane. Residential use of up to 0.50 units per acre is permitted in a Residential (R-88) district. The comprehensive plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. Tax ID 760-629-3608.

09SN0120-STAFF ANALYSIS

Ms. Kristen Keatley, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 09SN0120 and acceptance of the following proffered conditions:


PROFFERED CONDITIONS

1. There shall not be any residential units permitted on such property (P).
2. Tree Preservation and Entrance Landscaping Areas shall be as shown on the plan prepared by Balzer and Associates, Inc., last revised 12-05-08 (Exhibit A). All such areas shall be located in common open space and in accordance with the following requirements:
 - A. Tree Preservation Areas. A fifteen (15) foot tree preservation strip, exclusive of setbacks, shall be maintained around the perimeter of the property except where adjacent to Tax ID 758-628-6726. An additional tree preservation area shall be maintained in that area shown on Exhibit A noted as "Tree Preservation Area". Utility easements and public roads shall be permitted to cross these areas in a perpendicular fashion. Any healthy trees that are six (6) inches in caliper or greater shall be retained within these areas except where removal is necessary to accommodate the improvements permitted herein. This condition shall not preclude the removal of vegetation from the tree preservation area that is unhealthy, dying or diseased. Any cleared areas of 100 square feet or greater shall be planted with species which will minimize the impact of the Subdivision road on adjacent properties. The exact design and species shall be approved by the Planning Department at time of Subdivision construction plan review provided, however; that adjacent to Tax ID 760-629-5200 a row of evergreen trees shall be planted so as to provide a visual separation and screen of vehicular traffic on the Subdivision street from the adjacent parcel. The evergreen trees shall be a minimum of five (5) feet in height at time of planting. If the adjacent property owner of Tax ID 760-629-5200 desires drainage improvements within the tree preservation strip, tree retention and/or additional plantings in that area necessary to accommodate the drainage improvements shall not be required.
 - B. Entrance Landscaping Area. Entrance landscaping shall be provided in the area shown on Exhibit A noted as "Entrance Landscaping Area". Both sides of the Subdivision street shall be landscaped within twenty (20) feet of the edge of pavement for a distance approximately 200 feet from Rowlett Road. The landscaping shall be installed and/or bonded for prior to recordation of any lots. At a minimum, the "Entrance Landscaping" shall include large deciduous trees having a minimum caliper of two and one half

inches at time of planting, spaced an average of fifty (50) feet on center and evergreen trees having a minimum height of five (5) feet at time of planting spaced an average of fifteen (15) feet on center. (P)

3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. To provide for future looping of the public water system and facilitate future development, extension of an eight (8) inch water line from the terminus of the line in Whispering Winds Subdivision through to the right-of-way of Rowlett Road with a pipe sized to the requirements of the Water and Wastewater Facilities Plan. (U)
5. Direct vehicular access from the property to Rowlett Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
6. Prior to recordation of the initial subdivision plat, or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the west side of Rowlett Road, measured from the centerline of that part of Rowlett Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. To provide an adequate roadway system with initial development, the developer shall be responsible for relocation of the ditch to provide an adequate shoulder along the west side of Rowlett Road for the entire property frontage along Rowlett Road. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. (T)
8. The existing small suppressed man made pond located on the subject property shall be filled. (EE)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- D. **09SN0136**: In Bermuda Magisterial District, **EOR, LLC** requests rezoning from Agricultural (A) to General Industrial (I-2) and amendment of zoning district map on 5.3 acres lying approximately 900 feet south of the Carver Heights Drive and South Chalkley Road intersection. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The comprehensive plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. Tax IDs 779-650-4856 and 5029.
 **09SN0136-STAFF ANALYSIS**

Mr. Jack Wilson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 09SN0136.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- E. **09SN0138:** In Midlothian Magisterial District, **DREAMLAND PROPERTIES, LLC** requests rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2) on 1 acre known as 1601 Huguenot Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The comprehensive plan suggests the property is appropriate for regional mixed use. Tax ID 739-712-7320. 📄 09SN0138-STAFF ANALYSIS

Mr. Brian Spittle, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 09SN0138 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Any new building shall have a colonial architectural style compatible with the colonial architectural style that predominates along the Huguenot Road corridor. The exact architectural style and materials shall be approved at the time of site plan review. (P)
2. If direct vehicular access is provided to Huguenot Road, prior to the issuance of any occupancy permits, additional pavement shall be constructed along Huguenot Road to provide an adequate right turn lane, as determined by the Transportation Department, at the approved access. (T)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- F. **09SN0142:** In Dale Magisterial District, **AMINA MZARI & FAOUZI HANAFI** request Conditional Use and amendment of zoning district map to permit a family daycare home in a Residential (R-9) District on .7 acre known as 8425 Sherwood Forest Drive. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. Tax ID 785-672-4798. 📄 09SN0142-STAFF ANALYSIS

The applicant was not present. Ms. Jane Peterson advised the Commission of the community meeting held with the applicant and Dr. Brown at which time the applicant accepted staff's recommendation.

As the applicant was not present; this item was moved to the end of the consent cases.

- G. **09SN0143:** In Bermuda Magisterial District, **AERC RIVER FOREST, LLC AND AERC VIRGINIA DEVELOPMENT COMPANY, LLC** request amendment to Conditional Use Planned Development (Cases 89SN0110 and 07SN0299) and amendment of zoning district map relative to density in Residential Townhouse (R-TH) and Multifamily Residential (R-MF) Districts on 33.3 acres fronting approximately 870 feet on the south line of Branders Creek Drive approximately 700 feet south of Iron Bridge Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and community mixed

use uses. Tax IDs 777-651-0396 and 777-652-6715. 09SN0143-STAFF ANALYSIS

John Easter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 09SN0143 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The applicants in this amendment to the conditions of zoning Case 89SN0110 and Case 07SN0299, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns (the "Applicant"), proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect:

1. Maximum Number of Units. The maximum number of dwelling units permitted on the Property shall not exceed 300. (P)

(Note: This condition supersedes Proffered Condition 7 of Case 89SN0110 relative to limitation on number of dwelling units affecting Tax ID 777-652-6715, and Textual Statement Item 2 of Case 07SN0299 relative to adherence to Residential Multifamily (R-MF) densities under the Zoning Ordinance affecting Tax ID 777-651-0396.)

2. Transportation Improvements. Prior to the earlier of (a) issuance of a building permit for any dwelling unit on the Property beyond a cumulative total of 240 units or (b) recordation of the initial subdivision plat establishing lots within the Townhouse Property subject to Case 07SN0299, the developer shall pay \$170,000 to Chesterfield County to be applied to the cost to construct an extension of or improvements to Carver Heights Drive, or for other road improvements within the Property's traffic shed as defined in the County's cash proffer policy. (T)

(Note: This condition supersedes Proffered Condition 4 of Case 89SN0110, Proffered Condition 3 of Case 07SN0299, and Proffered Condition 3 of Case 06SN0196, as they relate to transportation improvements required in connection with development of the Property.)

3. Cash Proffer. In addition to the transportation payment specified in Proffered Condition 2, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield for infrastructure improvements within the service district for the Property:

- a. Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the Property:
 - i) If payment is made prior to July 1, 2009 \$18,080.00 per dwelling unit; or
 - ii) If payment is made after June 30, 2009 the amount approved by the Board of Supervisors not to exceed \$18,080 per dwelling unit and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2008, and July 1 of the fiscal year in which the payment is made.
- b. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
- c. Should Chesterfield County impose impact fees or other fees for infrastructure improvements at any time during the life of the development of the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any such impact or other infrastructure fees, in a manner determined by the County. (B&M)

(Note: This condition supersedes Proffered Condition 9 of Case 06SN0196, which was incorporated by Proffered Condition 2 of Case 07SN0299).

4. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

- F. **09SN0142**: In Dale Magisterial District, **AMINA MZARI & FAOUZI HANAFI** request Conditional Use and amendment of zoning district map to permit a family daycare home in a Residential (R-9) District on .7 acre known as 8425 Sherwood Forest Drive. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. Tax ID 785-672-4798. 09SN0142-STAFF ANALYSIS

Mr. Hanafi and Ms. Mzari, the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, the Commission resolved to recommend approval of Case 09SN0142 subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for, Amina Mzari and Faouzi Hanafi, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

A. Code Amendment to Increase the Penalty and Shorten the Appeal Period for Violations Relating to the Number of Unrelated Persons in Single Family Dwellings..

Ordinance-Amendment-Relating-To-Penalties

An Ordinance to amend the Code of the County of Chesterfield 1997 as amended, by amending Section 19-5 of the zoning ordinance to increase the maximum penalty for a violation relating to the number of unrelated persons in single family dwellings, and Section 19-19.1 to decrease the time to appeal a notice of violation relating to the number of unrelated persons in single family dwellings.

Ms. McGee presented a brief overview of the proposed code amendment noting it resulted from an amendment to the State Law and explained that the Commission may approve the amendment in whole or in part.

Mr. Gulley opened the floor for public comments.

Ms. Andrea Epps voiced concern relative to the financial burdens that this Ordinance could impose on the citizens and asked the Commission to keep the thirty (30) day appeal period.

There being no one else to speak, Mr. Gulley closed the floor for public comments.

The Commission held discussion relative to the Appeal Time and Fees for Appeals, and determined that maintaining the thirty (30) day appeal period was satisfactory.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend approval of amending Section 19.5 relative to Enforcement and to exclude changes to Section 19.19.1 relative to Administrative decisions and appeals to the board of zoning appeals as follows:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-5 AND 19-19.1 RELATING TO THE FINES AND APPEAL PERIOD
FOR VIOLATIONS OF THE ORDINANCE REGARDING THE NUMBER OF UNRELATED PERSONS IN A
SINGLE-FAMILY RESIDENTIAL DWELLING

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-5 and 19-19.1 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

Sec. 19-5. Enforcement.

0 0 0

(b) Penalties for violation; right of entry.

0 0 0

- (3) b. For violations under (b)(2) above, if the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance within a time period established by the court. Failure to abate the violation within the specified time period shall be punishable by a fine of up to ~~\$2,000.00~~ \$5,000.00 and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of up to ~~\$2,500.00~~ \$7,500.00.

0 0 0

Sec. 19-19.1. Administrative decisions and appeals to the board of zoning appeals.

0 0 0

(b) Any written notice of a zoning violation or a written order, decision or determination of the director of planning on zoning matters within the scope of his authority dated on or after July 1, 1993, ~~with the exception of a written notice of a zoning violation regarding the number of unrelated persons in a single-family residential dwelling~~, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or the written order, decision or determination within 30 days in accordance with this section and that the item shall be final and unappealable if not appealed within 30 days after the date of issuance. ~~Any written notice of a zoning violation or a written order, decision or determination of the director of planning pertaining to violation of an ordinance regarding the number of unrelated persons in a single family residential dwelling shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or the written order, decision or determination within 10 days in accordance with this section and that the item shall be final and unappealable if not appealed within 10 days after the date of issuance.~~

(2) That this ordinance shall become effective immediately upon adoption.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

B. Code Amendment to the Subdivision Ordinance Relative to State Maintained Roads and Building Permits.

Proposed Amendment To The Subdivision Ordinance Relating To Statemaintained Roads And Building Permits

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending Section 17-73 of the subdivision ordinance relating to acceptance of subdivision streets into the State system of maintenance, surety requirements, and exceptions thereto. The current ordinance

requires streets to be accepted into the State system not more than two years after the date of plat recordation within any subdivision. The proposed amendment would allow the County to grant an administrative exception to this requirement.

Mr. Dick McElfish presented an overview of the proposed amendment and noted that the Ordinance amendment would allow the Director of Environmental Engineering, through an administrative and documented process, to grant exceptions based on justification received from developers.

No one came forward to speak in favor of, or in opposition of the request.

Mr. Waller expressed concerns relative to the applicant's ability to appeal the decision of the Director of Environmental Engineering relative to an extension of time to have roads accepted into the state system for maintenance. Mr. Waller introduced additional draft language to provide for such an appeal process.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to recommend approval of the proposed amendment to include amendment to Section (a)(5) relative to the appeal process.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 17-73 OF THE SUBDIVISION
ORDINANCE RELATING TO ACCEPTANCE OF SUBDIVISION
STREETS INTO THE STATE SYSTEM OF MAINTENANCE,
SURETY REQUIREMENTS AND EXCEPTIONS RELATING THERETO

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Section 17-73 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 17-73. Installation of improvements and bonding.

(a) Prior to record plat approval, after all other required approvals are obtained, all improvements shown on the approved construction plans shall be completed to the satisfaction of the directors of environmental engineering and utilities, at the expense of the subdivider. In lieu of actual completion of the required improvements, the subdivider may record a plat by furnishing to the director of environmental engineering surety in the form approved by the county attorney's office consisting of:

- (1) A certified check;
- (2) Cash escrow;
- (3) A surety bond; or
- (4) A bank's letter of credit.

The amount of the surety shall be sufficient to cover the costs and guarantee the installation and completion of all required improvements. The surety amount shall be approved by the director of environmental engineering based upon unit prices for new construction in the county. The surety may also include a reasonable allowance for estimated administrative costs, inflation and potential

damage to existing streets or utilities which shall not exceed 25 percent of the estimated construction costs. If the subdivider proceeds by this method, the subdivider shall install and complete the required improvements to the satisfaction of the director of environmental engineering subject to the following conditions:

- (1) The streets shall be accepted into the state system not more than two years after the date of plat recordation.
 - (2) No more than 60 percent of the building permits in any recorded section of a residential or residential townhouse subdivision shall be issued until the paving requirements in that section have been completed.
 - (3) Except as provided in subsection (4) below, no more than 90 percent of the building permits in any section of a residential or residential townhouse subdivision shall be issued until the streets have been constructed to state standards and accepted into the state system as applicable.
 - (4) A subdivider that initially provides surety in an amount equal to 125 percent of the cost of all the improvements shown on the approved construction plans shall be eligible to have 100 percent of the building permits in a residential or residential townhouse subdivision released prior to the streets having been completed and accepted into the state system. In addition, the subdivider must waive, by contract, its right to partial releases of the surety as provided under subsection (b) of this section and Code of Virginia, § 15.2-2241; instead, the subdivider will be entitled to only one partial release of not more than 40 percent of its surety available once 90 percent of the building permits in any section have been issued.
 - (5) An extension may be approved by the director of environmental engineering to conditions one and three. The person requesting an extension may appeal the director's decision to the Planning Commission which shall render a decision upon the appeal within two months after the date of the Commission's first hearing on the matter unless the requester consents to action beyond such time or withdraws his appeal.
- (b) Surety reductions, as approved by the director of environmental engineering may be made in a cumulative amount of not more than 90 percent of the total cost of satisfactorily completed required improvements. Surety reductions based upon the percentage of improvements completed may not occur before the completion of at least 30 percent of the improvements.

The director of environmental engineering shall not execute more than three surety reductions in any 12-month period per bonded subdivision section.

Upon final completion and acceptance of said improvements in residential or residential townhouse subdivisions with streets, the release of any remaining surety shall be subject to the requirements of section 17-74. For the purpose of final release, the term "acceptance" shall be defined as the date of the meeting of the county's board of supervisors (board), at which the board is formally advised of the street acceptance by VDOT and assignment of the state route number(s).

Upon final completion and acceptance of said improvements in residential townhouse subdivisions, the release of any remaining surety shall be subject to requirements of section 17-74. For the purpose of final release the term "acceptance" shall be the date of the written notice to the subdivider of the completion of the required improvements to the satisfaction of the director of environmental engineering.

(2) *That this ordinance shall become effective immediately upon adoption.*

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments at this time.

IX. ADJOURNMENT.

It was the consensus of the Commission to begin the February 17, 2009 work session at 3:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Hassen, that the meeting adjourned at 7:26 p.m. to February 17, 2009, at 3:00 p.m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Brown, Bass, Hassen and Waller.

Chairman/Date

Secretary/Date